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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,032	07/08/2003	Chongyang Wang	9896-000004	3948

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EXAMINER	
SINGH, DALZID E	

ART UNIT	PAPER NUMBER
2613	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,032

Applicant(s)

WANG ET AL.

Examiner

Dalzid Singh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of the claims is withdrawn in view of the 112 rejections.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connection of the optical power detecting module to logic module and optical signal selecting unit as described in claim 9 and the two signals (working status signal and optical signal from the protected device) described in claims 1, 4, 8 and 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 2, 4 and 6-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 describes connection of the optical power detecting module to logic module and optical signal selecting unit. There is no figure provided to show a person of ordinary skill in the art how the connection are established.

Claims 1, 4, 8 and 9 described that the protected device transmits working status signal and output signal. There is no figure provided to teach a person of ordinary skill in the art how the signals are transmitted. The figures only shows one signal

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transmitted from the protected divide toward the selecting means. Is the working status signal transmitted with the output signal in a multiplexed fashion or are they transmitted separately?

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the protected device" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswami et al (US Patent No. 6,947,623).

Regarding claim 1 (in view of the 112 rejection), Ramaswami et al method for data-flow protection of an optical interface in a protected device, (see Figs. 8 and 9) comprising the steps of:

receiving an optical signal from a source-neighboring device by the protected device (Fig. 9, splitter (620) receives optical signal);

duplicating the optical signal into at least two duplicated optical signals (the signal is split which is considered as duplicating):

a first duplicated optical signal (bottom arrow) and a second duplicated optical-signal (top arrow), and sending the first duplicated optical signal to a protected device for processing (redundant optical switch core is considered as the protected device), and sending directly the second duplicated optical signal to be selected (the optical switch receives the second optical signal to be selected);

according to working status of the protected device, selecting one from the second duplicated optical-signal and output optical-signal of the protected device, and sending the selected one to a destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 2, if working status signal output of the protected device is normal, then selecting optical signal output of the protected device and sending to the destination-neighboring device; if the protected device working status is abnormal, then selecting the second duplicated optical-signal and sending to the destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 4 (in view of the 112 rejection), Ramaswami et al disclose a data-flow protection device of an optical interface in a protected device (shown in Fig. 8 and 9), comprising:

a first optical-signal duplicating unit (620) and an optical-signal selecting unit (2:1 optical switch);

wherein an input of the first optical-signal duplicating unit is connected to a source-neighboring device for receiving an optical-signal (there must be source neighboring device which transmit the signal), one output of the first optical-signal duplicating unit is directly connected to one input of the optical-signal selecting unit, another output of the first optical-signal duplicating unit connects to input of a protected device (redundant optical switch core is considered as the protected device); wherein another input of the optical-signal selecting unit is connected to optical-signal

output of the protected device, the control end of the optical-signal selecting unit is connected with working status signal output of the protected device, the output of the optical-signal selecting unit connects to a destination-neighboring device (see col. 9, lines 56-67 to col. 10, lines 1-11).

Regarding claim 7, in Fig. 9, Ramaswami et al show that the optical-signal duplication unit is an optical splitter (620), and the optical-signal selecting unit is an optical switch (2:1 optical switch).

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kakizaki et al (US Patent No. 6,778,725) is cited to show optical switching apparatus, optical transmission system and method of setting up for optical signal route.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

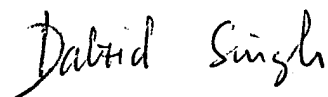
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 20, 2007

DALZID SINGH
PRIMARY EXAMINER

A handwritten signature in black ink that reads "Dalzid Singh". The signature is written in a cursive, flowing style.